

rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE RIGHT TO SUE AN HMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, in a few days this House is going to vote on an issue that will impact the health of every family in this country. The managed care lobby will do their best to confuse the Members of this body as to the real effect of the Bipartisan Consensus Managed Care Improvement Act that I introduced along with the gentleman from Michigan (Mr. DINGELL).

I urge all Members to simply read the bill. The HMO lobby is telling Members that employers can be sued for simply offering a health plan, for their choice of a health plan, for the actions of that health plan. But yesterday Members heard in this Chamber the truth, the actual language of the bill, that dispels every one of these falsehoods.

The managed care lobby has also tried to tell Members that employers and insurers can be sued for not buying or providing a specific benefit, and that this bill would mandate all kinds of new coverage. Read the bill, page 61 beginning on line 24. Read the bill. Employers and insurance companies cannot be sued for, and I would like to quote:

"The decision to include or exclude from the plan any specific benefit.

How can we be any clearer than that? The managed care lobby has told Members that this bill opens the door for unlimited punitive damages against health plans with jury awards soaring into the hundreds of millions of dollars.

To begin with, 30 of our States have already capped punitive damages. In my home State of Georgia, if the consensus bill becomes law, when it becomes law, there will be no punitive damages allowed regardless of the circumstances.

It is for precisely this reason that the consensus bill puts these court remedies back into the hands of the States, where tort reforms have been far more effective than here at the Federal level.

Read the bill. We have left a way for insurance companies to remain shield-

ed from any punitive damages. Not a penny. If there is a dispute and the health plan agrees to settle it fairly with external appeals, they remain shielded from all punitive damages. Read the bill, on page 60 beginning line 3. I quote again:

The plan is not liable for any punitive, exemplary or similar damages if the plan or the issuer complied with the determination of the external appeal entity.

How can we be any simpler than that? As a matter of fact, read the whole section of this bill of who can sue for what. It is just three pages. But those simple three pages overturn 25 years of injustice, and they close the door on unscrupulous health plans using this loophole in the law to breach their contracts and kill people with impunity.

The HMO lobby has one last chance to defeat this legislation and that is to distort the issue. If they were successful, I believe they would find the end result of their success would be far less agreeable than the reasonable reforms of this bill.

We can correct the problems of managed care with responsible legislation right here in the People's House, or it will be corrected by the courts and the States, without the carefully crafted provisions to ensure that we do not disrupt our current health care system in the process.

For those who would oppose reforms, take your choice. But either way, the people, the Constitution and the rule of law will prevail in this room next week.

WORLD SMILE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, today I rise to recognize one of Worcester, Massachusetts' favorite sons, Mr. Harvey Ball, on the occasion of the first annual World Smile Day.

Born and raised in Worcester, Mr. Ball worked as a free-lance commercial artist. He first designed the yellow smiley face in December of 1963 as part of a campaign to enhance morale in his workplace. Since then, the smiley face has taken on a life of its own, developing into an international symbol of friendship, love and peace.

In the early 1970s, the smiley face image became a symbol for an entire generation of Americans, emerging as one of the most well-known images in the country. Recently, the smiley face was chosen to represent the 1970s as a part of the Celebrate the Century commemorative stamp program.

This morning, the United States Postal Service unveiled the smiley face stamp in Worcester, Massachusetts. The stamp will be officially issued this November.

Mr. Speaker, there are few symbols which so fully represent the American spirit of friendship, happiness and peace as the smiley face. It is therefore my great pleasure to congratulate my friend Mr. Harvey Ball, and the entire Worcester community, on the occasion of World Smile Day.

NO EPA OR IBWC EXTORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to talk about a situation in San Diego, California on the border with Mexico, and I rise to object to a move by our very own Environmental Protection Agency to attempt to block a plan, a plan to treat 50 million gallons a day of raw sewage that flows from Mexico into the United States, a plan that was unanimously supported by this House of Representatives. The plan involves treating Mexican sewage that is flowing into the United States in Mexico. What can make more sense?

But the EPA supports a less comprehensive plan to build sewage treatment ponds in the United States. And to get its way, the EPA seems to be extorting support for the U.S. plant from Mexico. In fact, the EPA has told Mexico that if the sewage treatment ponds are built in the United States by their plan, rather than the House of Representatives plan, the EPA would have \$9 million left over to help Mexico with Tijuana-area sewage projects. And if the treatment plant were to be built in Mexico, according to the plan approved by this House, with a private firm's money, EPA says Mexico gets no money from the U.S. Government for their infrastructure needs.

Mr. Speaker, that simply does not make sense. It is extortion, if I may speak bluntly. If a private firm builds a plant in Mexico, then the EPA would have its entire fund of \$54 million available for infrastructure improvements in the Tijuana/San Diego area. It is hard to believe that the Environmental Protection Agency would not even consider working together with Mexico in this way to solve an international problem.

And to make matters worse, the International Boundary and Waters Commission, known as the IBWC, is a partner in this extortion. This is the bureaucratic sabotaging of a plan that the House voted unanimously to pursue. It thwarts the Mexican government's fair and open review of a proposal that promises environmental benefits to the United States and clean water for Mexico.

It is an outrage, Mr. Speaker, that this win-win international solution for the problem of sewage that has plagued us and our area for 50 years may never be fully explored. The EPA has a 2-year

history of obstructing the consideration of any other proposal to conduct sewage treatment at our border. Mexico is where the sewage starts and Mexico, by right, owns the water from any treatment plant. Why is the EPA opposed to building treatment ponds, then, in Mexico? I cannot understand how an agency such as EPA, which I support in the main and which is charged with protecting the environment of the United States, can be preventing a long-term or comprehensive solution to this problem.

The gentleman from California (Mr. BILBRAY) and I share the problem of Mexican sewage on the beaches and in the riverbeds of our districts. We have asked EPA, we have asked IBWC to work with us and to work with this House to solve the problem. We want those agencies to assure the Mexican government that they can undertake a fair review of this House's proposal without facing the possibility of loss of infrastructure help. We want the Mexican government, as supported by the gentleman from California (Mr. BILBRAY) and myself and hopefully with EPA and IBWC, to get Mexico to do a fair, objective review of this proposal and tell us how long it would take and what steps have to be done to implement it.

□ 1330

Mr. Speaker, the bureaucrats in EPA and IBWC have employed spectacularly poor judgment on this issue. Let us hope that they come to their senses soon. We look forward to continuing to work with them to create a long-term solution that will protect the environment of our districts in San Diego, of the international border in the southwest corner of our Nation.

RESOLUTION ON POTENTIALLY LETHAL FOOD ALLERGIES

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, as we complete this week of business here in Congress, I wanted to remind my colleagues of a resolution I introduced a little earlier; it is H. Res. 309, because it is an important resolution expressing the sense of the House regarding strategies to better protect the millions of Americans with food allergies from potentially fatal allergic reactions and to further assure the safety of manufactured food from inadvertent allergen contamination.

The majority of the 5.2 million people who have serious and potentially fatal allergic reactions to foods such as peanuts, fish, shellfish, tree nuts are children. These children will never outgrow their allergies, and there is no vaccine to prevent these deadly aller-

gic reactions. All that these children can do is avoid eating or coming in contact in any way with peanuts, fish, shellfish or tree nuts.

Even a small trace of peanuts or shellfish can produce a severe allergic reaction. Many children spend their day at school in fear, afraid to touch a door knob or a desk top that might have a smear of peanut butter. While it would be difficult to control the school or the work environment, there are steps that can be taken to protect children and adults from severe allergic reaction to food.

For instance, major commercial food processors and producers should produce products on separate dedicated manufacturing lines. Allergens in food should be identified in terms that are clear, understandable to the average citizen. Most consumers have no idea that products that are labeled with ingredients such as natural flavors contain peanuts or that shrimp extract is used to enhance the flavor of frozen beef teriyaki. Any food product that lists natural flavors as part of the ingredients should specify on the package that the product includes peanuts. Foods which are common, life-threatening allergens should not be added gratuitously to products where their taste is negligible.

Industry, consumer and scientific groups should voluntarily work together on initiatives to better educate food industry workers and the public on the issues of food allergy safety, and after 1 year an assessment should be made of the success of these initiatives.

Mr. Speaker, every year about 125 people die from fatal allergic reactions to food in the United States, and every year the number of people who have potentially fatal allergic reactions to food is increasing. I have a number of constituents who fall into that category, and I am sure that all of my colleagues will find the same in their districts.

H. Res. 309 will increase awareness of the serious impact of severe food allergies on the American people and the need to address this very important health problem.

ALTERING TAX CREDIT FOR WORKING FAMILIES IS WRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, while I have not heard many cries of Happy New Year or singing of Auld Lang Syne, today is New Year's day for the Federal fiscal year. This is day number one, and we find ourselves in this new year with the Government being able to operate only because a stop-gap emergency measure was approved earlier this week.

As we begin this new year, the Federal Government is supposed to have some 13 appropriation bills approved for its normal operation. Fewer than half of those at this late date have even been sent to the President. The measure that funds all of our Federal education programs, our health research, a number of other very important programs for seniors, and for Americans of all ages, that bill has not even been presented for consideration on the floor of this House, much less sent to the President.

I have just come from a press conference with the Concord Coalition with the national debt clock, which displays by the second how the national debt continues to rise. Billions of dollars of new national debt are being incurred as we fail in the Congress to deal responsibly with our budget.

Instead of responsibility, what we have seen throughout this year has been one budget gimmick after another. We have had more budget emergencies designated here, I think more emergencies than the EMS has to deal with; the census being declared an emergency; an emergency on fuel assistance, since it still turns hot in the summer and cold in the winter, as it always has. All these gimmicks just like the proposal to go to a 13-month Federal fiscal year are designed solely to circumvent the spending limitations established in the Balanced Budget agreement.

This year the Republicans have dipped some \$18 billion into the Social Security Trust Fund just to fund the measures that they themselves have advanced this year without even getting to their irresponsible tax bill.

Particularly indicative of the problems that we have been dealing with in this Congress is what has happened just within the last 24 hours. The latest of these gimmicks is to turn to the working poor in this country, the starting police officer or teacher, the fast-food worker, the nursing home worker, those who earn an earned income tax credit and get a tax refund at the end of the year as an incentive to continue working and providing for their families.

The Republicans voted yesterday in committee and plan to present perhaps as early as this next week a deferral of that earned income tax credit. Instead of providing it to the folks that are working hard to make ends meet, they want to defer it. They have had the audacity to suggest that this gimmick to gain \$8 billion right out of the hides of working families; the Republicans defended that in the Washington Post this week saying their plan "would encourage better monthly planning for the beneficiaries."

They want better monthly planning for the nurse who is looking forward to that tax refund in order to make a